

UTILITIES DIVISION[199]

Notice of Intended Action

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.”

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to Iowa Code sections 17A.4, 474.5, and 476.2, the Utilities Board (Board) gives notice that on November 2, 2017, the Board issued an order in Docket No. RMU-2016-0039, In re: Review of Nonutility Service Rules [199 IAC Chapter 34], “Order Commencing Rule Making,” proposing to update Chapter 34 of the Board’s rules. The order approving this Notice of Intended Action can be found on the Board’s Electronic Filing System (EFS) website, efs.iowa.gov, in Docket No. RMU-2016-0039.

To determine whether to propose amendments, the Board sought early input from stakeholders. Stakeholder comments were filed by the Office of Consumer Advocate (OCA), a division of the Iowa Department of Justice, and reply comments were filed by MidAmerican Energy Company and Interstate Power and Light Company.

The amendment proposed herein would make one substantive change. The proposed amendment of rule 199—34.4(476) would amend the definition of persons eligible for use of certain sales-related utility functions, priced at the cost charged for such functions by the utility to its own affiliate or business unit engaged in defined nonutility business functions within the utility’s service territory, so as to fix the eligibility criterion at a threshold of 60 percent of gross business revenues derived from the provision of similar nonutility services and products.

Pursuant to Iowa Code section 17A.4(1)“a” and “b,” any interested person may file a written statement of position pertaining to the proposed amendment. The statement must be filed on or before December 12, 2017. The statement should be filed electronically through the Board’s EFS. Instructions for making an electronic filing can be found on the EFS website at efs.iowa.gov. Filings shall comply with the format requirements in 199 IAC 2.2(2) and shall clearly state the author’s name and address and make specific reference to Docket No. RMU-2016-0039. Paper comments may be filed only with the approval of the Board.

No oral presentation is scheduled at this time. Pursuant to Iowa Code section 17A.4(1)“b,” an oral presentation may be requested or the Board on its own motion after reviewing the comments may determine that an oral presentation should be scheduled. Requests for oral presentation should be filed in EFS by December 12, 2017, in Docket No. RMU-2016-0039.

After analysis and review of this rule making, the Board tentatively concludes that the proposed amendment, if adopted, will not have a detrimental effect on employment in Iowa.

This amendment is intended to implement Iowa Code sections 476.2, 476.73, and 546.7.

The following amendment is proposed.

Amend rule 199—34.4(476) as follows:

199—34.4(476) Engaged primarily in providing the same competitive nonutility services in the area—defined. *“A person is engaged primarily in providing the same competitive nonutility services in the area” when the person on a full-time, an ongoing basis sells or leases equipment or products or offers services, accounting for at least 60 percent of the person’s gross business revenue, which are functionally interchangeable and considered similar by the public with the nonutility service provided by a public utility in the same identifiable geographic area where the public utility provides utility service.*